

May 3, 2005

May Third

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The regular May Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Administrative Staff Members present were: Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Finance Director Barbara A. Dameron, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Public Works Director Ric Drazenovich, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Key Accounts Manager Kevin Martin, Housing and Development Director Dianne Morris, Inspections Director Jerry Rigney, and Maintenance Code Inspector Ken Viperman.

Also present was Superintendent of Schools Dr. Sue Davis.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Sherman Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized and acknowledged the presence of Sacred Heart Girls Scout Troop 360. He welcomed the group to the meeting.

#### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Oakes, Minutes of the April 19, 2005 Meeting of Danville City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

#### **BUDGET ADOPTION-FY 2004-2005-AMEND BUDGET APPROPRIATION ORDINANCE**

Mayor Hamlin announced the following budget amendments had been previously discussed by City Council and introduced for First Reading on April 19, 2005 and would be further considered by City

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Council in the Public Hearing. After the Public Hearing has been closed, Mayor Hamlin said there would be no separate discussion on these items and would be enacted by one motion. If Council or a citizen desires discussion, the item(s) would be removed from the consent process and considered separately.

Mayor Hamlin opened the floor for a Public Hearing to consider amendments to the FY 2004-2005 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 26, 2005. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Castiglione and second by Council Member Daniels, Ordinance No. 2005-04.07 presented by its First Reading on April 19, 2005 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing revenues from the General Fund for a City Technology Enhancement Grant for the TWM Cabling Solutions, Inc. Incentive Package for a total appropriation in the amount of \$100,000 and appropriating the same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

Upon Motion by Council Member Castiglione and second by Council Member Daniels, Ordinance No. 2005-04.08 presented by its First Reading on April 19, 2005 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by authorizing transfers from Fund Balances of the Electric and Gas Funds in the amount of \$1,500,000 and \$1,000,000, respectively, for the Cane Creek Centre Projects and the purchase of three diesel generators was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

#### **PUBLIC HEARING - SCHOOL BOARD TRUSTEES**

Mayor Hamlin opened the floor for a Public Hearing to consider appointments to the School Board Trustees. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 22, 2005.

Vice-Mayor Williams read the following candidates for consideration:

R. Helm Dobbins, O. Renee' Hughes, and Ernestine I. Johnson.

No further names were submitted and the Public Hearing was closed.

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**HEARING - FISCAL YEARS 2006 AND 2007 UTILITY RATES**

Mayor Hamlin opened the floor for a Public Hearing to consider the adjustment of Fiscal Years 2006 and 2007 Utility Rates. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 23, 2005. No one presented desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Smith and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2005-05.01

AN ORDINANCE ADJUSTING FISCAL YEAR 2006 AND FISCAL YEAR 2007 UTILITY RATES AND CHARGES FOR WATER/WASTEWATER, GAS, AND ELECTRIC SERVICES

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**HEARING - FY 2005-06 - SANITATION USER FEES**

Mayor Hamlin opened the floor for a Public Hearing to consider increases in Sanitation User Fees, effective July 1, 2005. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 23, 2005. No one presented desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Archie and second by Council Member Oakes, an Ordinance entitled:

ORDINANCE NO. 2005-05.02

AN ORDINANCE ESTABLISHING CERTAIN SANITATION USER FEES OF THE CITY OF DANVILLE, DEPARTMENT OF PUBLIC WORKS, EFFECTIVE JULY 1, 2005

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

In response to Council Member Luther, Deputy City Manager Lacy agreed to clarify a discrepancy in percentages of late fees relating to utility and sanitation bills and provide that information to Council by the May 17 Council meeting.

**HEARING - APPROVE SCHOOL BOARD BUDGET - FY 2005-2006**

Mayor Hamlin opened the floor for a Public Hearing to consider approving the School Board Budget for Fiscal Year 2005-2006. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 26, 2005.

Mayor Hamlin recognized Superintendent of Schools Dr. Sue Davis. Dr. Davis thanked City staff and City Council for their support

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during the preparation of the FY 2005-2006 Budget for Danville City Schools.

Dr. Davis commented about recent events that have taken place in the City recently. She said that in the past few months, much has been reported about the misdeeds of a few Danville Public Schools employees. Dr. Davis said the actions of few did not represent the culture and the ethics of the School System. Dr. Davis expressed pride at being a thirty (30) year veteran of the Danville Public School System and said it was a privilege to be a representative of the School Board.

Dr. Davis advised that as the City's fourth largest employer and with a budget of \$58.2 million, many of the system's 1,359 hard working employees go far beyond minimum requirements for the job.

Dr. Davis said the Danville School System has an excellent reputation across the State as being a system that could get a tough job done and turn things around. She said problems that arise would be addressed openly and honestly. She said accountability is taken seriously and administration and staff would diligently strive to maintain the respect of the community. Dr. Davis said the administration would be good stewards of the public money and trust.

Council Member Archie inquired about certification for some city teachers. Dr. Davis said a number of the school system's teachers had what the State of Virginia calls a "provisional" license. Dr. Davis said the State allows these teachers to teach until they fulfill the remainder of their licensure requirements. This could mean taking a practice test and passing with the required score or taking additional course work. Dr. Davis said the school system was not allowed to employ any teacher without a license. The teachers do possess licenses; it is the type of license the teachers' possess.

Mrs. Archie requested that Dr. Davis try to give the teachers more than a 2.1% salary increase in the next budget year. Mrs. Archie said Danville teachers are highly qualified and work hard and felt they merited better salaries.

Council Member Castiglione concurred that the City had excellent personnel. He reported that a couple of years ago when the Joint Legislative Audit Review Committee (JLARC) did a major audit and the audit had been completed, the committee gave high regard for the school system's transportation department.

Council Member Saunders said he appreciated the cooperative spirit between Danville City Council and the City School Board. Mr. Saunders said he felt that 2.1% salary increase is something, but said he believed teachers needed more. He said he would like to see the School Board continue to properly reward the City's teachers.

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Council Member Luther thanked Dr. Davis for addressing some issues that now seem to be under control. Mr. Luther said he wanted to see Danville's teachers well paid, but was also reminded that Danville City employees received no pay increase in the 2005-2006 budget.

Vice-Mayor Williams thanked the School Board for holding the line for the new budget year. He complimented the Board for their lean review of a budget that includes services, but maintains the bottom line.

Mrs. Desiree Childress appeared to urge that funding be found for a program for autistic children as part of early childhood intervention and learning programs in the Danville Public School System. Ms. Childress said she and her family had been residents of Danville, but has moved to Henry County in order to provide her 4-year old twins, one who is autistic and one who is developmentally delayed, with this type of program.

Council Member Castiglione asked Mayor Hamlin to form a Task Force made up of Council and School System Members to look at possible funding sources for early intervention programs for children such as Ms. Childress'.

No one further desired to be heard and the Public Hearing was closed.

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2005-05.01

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2006.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

**HEARING - 2005-2010 CONSOLIDATED PLAN - ACTION PLAN & CDBG**

Mayor Hamlin opened the floor for a Public Hearing to consider the 2005-2010 Consolidated Plan and 2005-2006 One-Year Action Plan, CDBG and HOME Programs. Notice of the Public Hearing had been duly published in the Register and Bee on March 1, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2005-05.02

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A RESOLUTION APPROVING THE 2005-2010 CONSOLIDATED PLAN AND 2005-2006 ONE YEAR ACTION PLAN, COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME ENTITLEMENT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Council Member Archie seconded the Motion.

Mr. Saunders said that each project listed for funding were all worthwhile projects and that he supported every one of the projects. Mr. Saunders said he would be voting "no" on the motion and stated his reason for voting "no" was because of the selection process, the way some were chosen and some were not. For that reason, Mr. Saunders said he supports the projects, but would vote "no" on the process.

Dr. Williams concurred with Mr. Saunders' concern in that he did not agree with the way projects were selected and the amounts allocated.

The Resolution was adopted by the following vote:

VOTE: 6-3  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, and Oakes (6).  
NAY: Saunders, Smith, and Williams (3).

**HEARING - SPECIAL USE PERMIT - 116 DANVIEW DRIVE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit property located at 116 Danview Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on April 19 and 26, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels read the following:

**Statement of Conflict of Interest**

I, **Stokes Daniels**, do hereby state that I have a conflict of interest regarding the property identified in Agenda Item IX (E) concerning the approval of a Special Use Permit for the Danview Restaurant located at 116 Danview Drive. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code Section 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 3<sup>rd</sup> day of May 2005.

**s/E. Stokes Daniels, Jr.**

Council Member Archie moved the adoption of an Ordinance entitled:

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ORDINANCE NO. 2005-05.03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.M (C) (21) TO ALLOW FOR A TWENTY-TWO (22) FOOT SIDE YARD SETBACK WHERE A THIRTY (30) FOOT SETBACK IS REQUIRED AT 116 DANVIEW DRIVE.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (8).  
NAY: None (0).  
ABSTAIN: Daniels (1).

**REPEAL CITY CODE CHAPTER 34 - SEWERS AND SEWAGE DISPOSAL**

Upon Motion by Vice-Mayor Williams and second by Council Member Oakes, an Ordinance entitled:

ORDINANCE NO. 2005-05.04

AN ORDINANCE REPEALING THE CURRENT CHAPTER 34 OF THE DANVILLE CITY CODE AND REPLACING IT WITH A NEW CHAPTER 34 IN ORDER TO UPDATE THE ENTIRE CHAPTER TO MEET REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**REVISE 2004 COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

Council Member Archie moved the adoption of a Resolution entitled:

RESOLUTION NO. 2005-05.03

A RESOLUTION ADOPTING THE REVISED 2004 COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN FOR THE CITY OF DANVILLE.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

**COMMUNICATIONS**

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There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

**ROLL CALL**

Council Members all complimented the City's Public Safety employees and the citizens of Danville for keeping the peace during Saturday's commencement exercises for Averett University. An out-of-town group were protesting the formation of Averett's Gay Straight Alliance.

Council Member Archie announced that Human Resources Director Andrea Witt was nominated as President of the United Way. She congratulated Ms. Witt.

Mrs. Archie reported that she, along with Deputy City Manager Lacy and Mayor Hamlin, had attended the dedication ceremony for the new picket fence that surrounds the Danville Museum of Fine Arts and History.

Council Member Castiglione congratulated the new Averett graduates and advised that Danville Community College commencement events for over 300 graduates would take place on Friday, May 13.

Council Member Daniels said he would like City Manager Gwaltney to take a look at Travel and Training Expense, Apparel, and Books and Subscriptions. Mr. Daniels said a total of \$1.3 million had been expended for these budgeted items. He asked that the City Manager consider cutting those expenses by one-half and requested a summary of the impact of losing \$660,000 in those three object titles. Deputy City Manager Lacy said he would pass Mr. Daniels' request to City Manager Gwaltney.

Mayor Hamlin thanked the citizens of Danville for their efforts in keeping order during the weekend protest events.

Council Member Luther said he would like to expand on Mr. Daniels' request. He asked for a narrative statement on what the City got for that money this year. He said there is a sizeable investment in those categories and as the City Manager justifies what would be done this coming fiscal year, Mr. Luther said he would like to know how the City benefited from those expenditures during the present fiscal year.

Council Member Saunders said he recognized that a salary increase for city employees had not been included in the Budget for Fiscal Year ending June 30, 2006. Mr. Saunders requested some type of compensation incentive and suggested an extra leave day or a one-time monetary reward.

Referring to the events of this past weekend, Mr. Saunders said Danville was a wonderful place to live and work.



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Council Member Smith thanked Dr. Davis for her presentation earlier in the meeting.

Mr. Smith called attention to the April issue of "Waterworks" magazine. He said the magazine contained an article about Danville's Water Plan, which praised the amount of research that had been done and the great results of the renovations that had taken place at the Danville facility. He recognized Assistant City Manager for Utilities Joe King and Water and Wastewater Director Barry Dunkley for their efforts in bringing about the recognition for Danville.

Mr. Smith reiterated comments by Council Member Saunders. He said America was a wonderful country to live in and Danville is a great place to live and work.

Vice-Mayor Williams recognized the efforts of City Manager Gwaltney, who was very involved with Police Chief Broadfoot in planning for the protests at Averett this past weekend. Dr. Williams said he was very impressed as he watched the events unfold.

Dr. Williams said Law Day was May 2 in Danville. He praised the efforts of local attorneys and most especially thanked them for the portrait of Judge James Ingram that now hangs in the Courts and Jail Building.

Dr. Williams extended sympathy to Fire Chief B. G. Lewis, III and his family on the loss of his father over the weekend.

The Meeting adjourned at 7:53 P. M.

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MAYOR

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CLERK